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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,767	07/08/2003	Victor Hui	6307.00001	8040

29747 7590 12/26/2006  
GREENBERG TRAUERIG  
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EXAMINER
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LANEAU, RONALD

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/26/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/614,767

Applicant(s)

HUI, VICTOR

Examiner

Ronald Laneau

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29-39 is/are allowed.
- 6) ☒ Claim(s) 1-28 and 40-68 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 4-8, 10-17, 19, 20, 22-26, 40-42, 44-49, 51-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Gohlke (US 5,372,366).

As per claims 1, 9, 19, 38, 45, 53, 58 and 63, Gohlke discloses a method of playing a wagering game using one or more decks of cards (see abs.) comprising: generating a set of random over numbers and a set of random under numbers (col. 5, lines 39-53); accepting one or more wagers from one or more players (see figs. 4A, 4B); dealing each wagering player one or more cards (see fig. 1); determining a value of the one or more player cards; and resolving an over/under player wager by determining whether the value of the one or more cards is in the set of over numbers or in the set of under numbers (col. 5, lines 39-53).

As per claims 2, 4-8, 10, 12-16, 20-26, 39-42, 44, 46-49, 51, 52, 54-57, 59-62 and 64-68, Gohlke discloses a method of claim 1 wherein resolving an odd/even player wager comprises determining whether the value of the one or more player cards is odd or even; wherein generating the set of random over numbers and the set of random under numbers is accomplished by using an electronic random number generator; wherein modulo 10 is used to determine the value of the one or more player cards; wherein an additional final card is dealt to each wagering player receiving one or more cards having a value of 0 or 9; wherein resolving a

Art Unit: 3714

posts player wager comprises determining whether the value of all player cards is 0 or 9; wherein the set of random over numbers and the set of random under numbers each include four unique numbers between 1 and 8 (Gohlke discloses a deck of player card that is odd or even and wherein a random number can be selected and the value can be any number between 0 and 9).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 9, 17, 18, 21, 27, 28, 43 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gohlke (US 5,372,366) in view of Dreaper et al (US 2004/0090004 A1).

As per claim 3, 9, 17, 18, 21, 27, 28, 43, 50, Gohlke does not explicitly disclose a set of random numbers using a rotatable wheel and a display device but Dreaper discloses a method wherein generating the set of random over numbers and the set of random under numbers is accomplished by using a rotatable wheel, having a plurality of numbers depicted thereon, in combination with a wheel divider. Furthermore, Dreaper discloses a method wherein the value of the one or more community cards is displayed on a display device; wherein the value of the one or more community cards is displayed on a display device (page 3, [0026] – [0027]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the rotatable wheel and the display device as taught by Dreaper into the

Art Unit: 3714

method and apparatus of Gohlke because it would increase the excitement and pace of game play by having more hands per hour.

***Allowable Subject Matter***

5. Claims 29-39 are allowed.

None of the references, either singularly or in combination, discloses or even suggests the conditions established in the following claims:

As per claims 29-31, a method of playing a wagering game using one or more decks of cards comprising: if said combined value is within a preestablished range, resolving an over/under player wager by determining whether the value of the one or more player cards is in the set of over numbers or in the set of under numbers; and if said value is equal to one or more preestablished numbers outside the preestablished range, dealing the player an additional final card and resolving the over/under wager by determining whether the value of all player cards is in the set of over numbers or in the set of under numbers.

As per claims 32-34, a method of playing a wagering game using one or more decks of cards comprising: if said value is within a preestablished range, resolving an over/under player wager by determining whether the value of the one or more community cards is in the set of over numbers or in the set of under numbers; and if said value is equal to one or more preestablished numbers outside the preestablished range, dealing an additional final community card and resolving the over/under wager by determining whether the value of all community cards is in the set of over numbers or in the set of under numbers.

As per claims 35-37, a method of playing a wagering game using one or more decks of cards comprising: if said value of the player hand is within a preestablished range, resolving an over/under player wager on the player's hand by determining whether the value of the one or more player cards is in the set of over numbers or in the set of under numbers; if said value of the player hand is equal to one or more preestablished numbers outside the preestablished range, dealing the player an additional final card and resolving the over/under player wager on the player's hand by determining whether the value of all the player cards is in the set of over numbers or in the set of under numbers; if said value of the community hand is within a preestablished range, resolving an over/under player wager on the community hand by determining whether the value of the one or more community cards is in the set of over numbers or in the set of under numbers; and if said value of the community hand is equal to one or more preestablished numbers outside the preestablished range, dealing an additional final community card and resolving the over/under player wager on the community hand by determining whether the value of all community cards is in the set of over numbers or in the set of under numbers.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Dreaper et al (US 2004/0104531 A1) disclose a method and apparatus for wagering or entertainment based on outcomes of indicia.

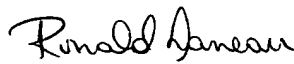
Art Unit: 3714

- D'Avanzo discloses a gaming machine comprising a container for holding a plurality of numbered balls which are agitated
- Cannon (US 6,837,788 B2) discloses a method of playing a dual wagering game.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (571) 272-6784. The examiner can normally be reached on 7:30 - 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Ronald Laneau  
Primary Examiner  
Art Unit 3714

12/21/06